



3. Defendants' Reply Memorandum In Further Support of Their Renewed Motion for Summary Judgment for Failure to Comply with the Written Description Requirement filed by the CME Defendants in the Exchange Case;

4. CME Defendants' Reply Memorandum In Further Support of Their Motion For Summary Judgment of Noninfringement Based on the Lack of Determining a Data Block Type or Field Type filed by the CME Defendants in the Exchange Case;

5. NYSE and OPRA Defendants' Reply Memorandum In Further Support of Their Motion For Summary Judgment of Noninfringement Based on the Absence of Encoding, Data Block (or Field) Type, and Selecting filed by the NYSE and OPRA Defendants in the Exchange Case;

6. NYSE and OPRA Defendants' Reply Memorandum In Further Support of Their Motion For Summary Judgment of Noninfringement: Data Stream, Content Independent Encoding and Lossless filed by the NYSE and OPRA Defendants in the Exchange Case; and

7. Defendants' Reply Memorandum In Further Support of Their Motion for Summary Judgment of Non-infringement: Descriptor Limitation filed by the NYSE and OPRA Defendants in the Exchange Case.

As described in Defendants' joinder to certain noninfringement motions (Case No. 1:11-cv-6696 Dkt. 522), there are common issues on noninfringement between Defendants and the moving parties such that summary judgment of noninfringement in favor of Defendants is warranted. Further, Defendants joined certain motions for summary judgment of invalidity identified above (Case No. 1:11-cv-6696 Dkt. 521). Thus, for the additional reasons presented in the above-referenced memoranda, Defendants respectfully request that the Court grant Summary Judgment in their favor.

Dated: August 21, 2012

Respectfully submitted,

/s/ Daniel A. DeVito

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule 5.2 via the Court's CM/ECF system on August 21, 2012, and, as such, was served on all counsel of record.

/s/ Daniel A. DeVito

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